

27-50-1101. Nonconsensual towing of vehicles.

(a) (1) (A) When any vehicles of a type subject to registration under the laws of this state are found abandoned on private or public property within this state or are parked on private or public property within this state without the authorization of the property owners or other persons controlling the property, the property owners or agents may have the vehicle removed from the property by a towing and storage firm licensed by and subject to the rules of the Arkansas Towing and Recovery Board.

(B) Prior to the removal of abandoned vehicles or of vehicles parked without authority as provided by this section, the towing and storage firm shall obtain in writing from the property owners or agents a written statement that includes at a minimum the following:

(i) Identification of the property owner or agent, including name, address, and telephone number;

(ii) A statement that the property from which the vehicle is to be removed is property owned or otherwise under the control of the agent requesting the removal;

(iii) That the vehicle is deemed abandoned or has been parked on the property without authorization, as the case may be;

(iv) The make, model, and vehicle identification number of the vehicle to be removed;

(v) The location to which the vehicle will be removed, including the name, address, and telephone number of the towing and storage firm removing the vehicle; and

(vi) The signature of the property owner or agent requesting removal of the vehicle.

(C) A copy of the written statement shall be left with the property owner or the on-site agent, who shall make the written statement available for inspection upon request by any person claiming an interest in the removed vehicle.

(D) The towing and storage firm removing the vehicle shall retain a copy of the written statement for three (3) years and make the statement available during regular business hours upon request to any person claiming an interest in the removed vehicle or upon request to any law enforcement officer or board investigator.

(E) Vehicles on the premises of an automobile repair business shall be deemed abandoned if either the vehicle is unclaimed by the vehicle owner within forty-five (45) days or the debt is not paid within forty-five (45) days from the time the repair work is complete.

(F) (i) No towing and storage firm shall remove any abandoned vehicle or improperly parked vehicle without the authorization of the property owner or on-site agent as provided in this section except as may otherwise be authorized by the provisions of § [27-50-1201](#) et seq. or as directed by any law enforcement officer.

(ii) A property owner may designate in writing a licensed towing and storage firm as its agent for the purposes of the removal of abandoned vehicles or vehicles parked on private property without the authorization of the property owners or other persons controlling the property.

(G) No towing and storage firm removing a vehicle as provided by this section shall pay any compensation related to the removal of the vehicle, whether as a referral fee or otherwise, to the owner or agent requesting the removal of the vehicle.

(2) (A) Any person towing a vehicle as provided by this section and any person towing a vehicle without the authorization of the owner of the vehicle or of the owner's agent, including towing pursuant to a directive of repossession from a holder of a security interest in the vehicle, shall notify the local police or sheriff's department within whose jurisdiction the vehicle was removed of the vehicle's removal within two (2) hours of taking possession of the vehicle.

(B) The towing and storage firm may not charge a storage fee for the vehicle for the time it is stored prior to the notification required to the local police or sheriff's department.

(C) Each police or sheriff's department receiving notification of the removal of a vehicle as provided in this subsection shall maintain a log recording the make, model, and vehicle identification number of the vehicle, the date, time, and location of the removal, and the name, address, and telephone number of the person removing the vehicle.

(D) Each police or sheriff's department receiving notification of the removal of a vehicle as provided in this subsection shall within twenty-four (24) hours of notification provide to the towing and storage firm information supplied from the records of the Office of Motor Vehicle, the Arkansas Crime Information Center, or, if there is evidence in the vehicle indicating that the vehicle is registered in another state, the motor vehicle records from that state that provide the vehicle identification number or serial number, the name and address of the last registered owner, and the name and address of the holder of any recorded lien on the vehicle.

(E) (i) In the event that readily available records fail to disclose the name of the owner of the vehicle or any lienholder of record, the towing and storage firm shall perform a good faith search to locate documents or other evidence of ownership and lienholder information on or within the unattended or abandoned vehicle.

(ii) For purposes of this subsection, a “good faith search” means that the towing and storage firm checks the unattended or abandoned vehicle for any type of license plate, license plate record, temporary permit, inspection sticker, decal, or other evidence that indicates a possible state of registration and title.

(3) Following removal of an abandoned vehicle or vehicle parked without authority, possession of the vehicle, notice requirements to owners and lienholders, and procedures for sale of unclaimed vehicles shall be governed by the provisions of §§ [27-50-1208](#) — [27-50-1210](#).

(b) (1) It shall be unlawful for a person to:

(A) Direct the removal of or to remove a vehicle in violation of this section;
and

(B) Violate or aid or abet any violation of this section.

(2) A person who pleads guilty or nolo contendere to or is found guilty of any violation of this section is guilty of a Class B misdemeanor.

(3) Each vehicle removal in violation of this section shall constitute a distinct and separate offense.

History. Acts 1953, No. 344, § 1; 1969, No. 195, § 1; 1981, No. 433, § 1; A.S.A. 1947, § 75-1034; Acts 1987, No. 166, § 1; 1987, No. 828, § 1; 1989, No. 680, § 1; 1997, No. 841, § 1; 1999, No. 1279, §§ 1, 6; 2001, No. 328, § 3; 2005, No. 2211, § 1; 2007, No. 861, § 1.